

certification of appealability, Mr. Daniels reiterates that he withdrew his petition for post-conviction relief, “thereby not exhausting all of his state court remedies.” (Petition at p. 2).

Because Mr. Powers concedes that he did not exhaust his state court remedies, none of the issues presented to the Court present a question that is debatable among jurists of reason. *See Kraushaar v. Flanigan*, 45 F.3d 1040 (7th Cir. 1995). Where the court denies a certificate of appealability because petition was without merit, then it should deny *in forma pauperis* status on appeal because the appeal is not taken in good faith. *See Walker v. O'Brien*, 216 F.3d 626,632 (7th Cir. 2000).

For the foregoing reasons, the court **DENIES** the petitioner’s petition for a Certificate of Appealability (docket #27) pursuant to Rule 22(b), Federal Rules of Appellate Procedure. The Court advises the petitioner that pursuant to Fed. R. App. P. 22(b), where the district judge denies a certificate of appealability, the applicant for the writ may then request issuance of the certificate by a circuit judge.

SO ORDERED.

DATED: January 17, 2007

S/ Philip P. Simon
Philip P. Simon, Judge
United States District Court